

BILL ANALYSIS

C.S.H.B. 408
By: Eissler
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Persistent and disruptive dog barking has become an increasing problem in unincorporated areas that are adjacent to major metropolitan centers. These areas are growing rapidly and the neighborhoods are becoming more urban, but they are not within a municipality. Counties in Texas are restricted in their authority to enact ordinances and, as a result, currently there is no effective recourse available to prevent persistent and objectionable dog barking.

C.S.H.B. 408 would address the problem of barking dogs in certain unincorporated areas of Montgomery County. In the localities covered by the bill, it would be a public nuisance under the Health and Safety Code to allow dogs to bark in a manner that a reasonable person would find objectionable.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 408 only applies in the unincorporated area of a county that is adjacent to a county with a population of 3.3 million or more and in which a planned community is located that has 20,000 or more acres of land, that was originally established under the Urban Growth and New Community Development act of 1970, and this is subject to restrictive covenants containing ad valorem or annual variable budget based assessments on real property. The bill provides that it would be a public nuisance under the Health and Safety Code to allow dogs to bark or make other noise in a neighborhood if a reasonable person would find the noise objectionable.

Whether the noise would be considered objectionable to a reasonable person may be determined by considering factors including, but not limited to, the time of day the noise is produced, the proximity of the production of the noise to other premises, and whether the sound is recurrent, intermittent, or constant.

EFFECTIVE DATE

Upon passage or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

This bill has been changed from original form so that it only applies to certain unincorporated areas of Montgomery County.